

REMARKS**Claim Objections**

Claim 1 has been amended to more particularly point out and distinctly claim the subject matter of the invention. Claim 2 has been amended in accord with the Examiner's suggestion. Claims 19 and 20 have been cancelled and withdrawn from further prosecution. Applicant reserves the right to file a division and/or continuation directed to the subject matter thereof.

Claim Rejections – 35 U.S.C. Section 102

Claims 1-5 and 7-20 were rejected under 35 U.S.C. 102 on the basis of French Patent No. 2,824570 to Cuisset. Attached hereto as Exhibit A is a copy of a translation of the Abstract for Cuisset.

Cuisset teaches a stabilized earthen structure wherein concrete blocks are incorporated so as to protect a stabilized earth structure which employs geotextile material from ultraviolet degradation, fire, and rodents. In particular, referring to the figures of Cuisset, it is taught that a geotextile material or geotextile sheets are used to form a stabilized earthen structure. These sheets are folded, for example, as illustrated in Figures 1 and 3 to form layers of a stabilized structure. In Figure 5 of Cuisset, the geotextile material (4) is also folded so as to form a stabilized earthen structure comprised of layers of stabilized earth overlying one another. In any event, the patent further teaches that anchoring elements (3) are placed in contact with the geotextile materials. For example, in Figure 1, a mesh (3) is placed in contact with opposed layers of geotextile material (4). In Figure 3, an anchor material is placed between layers of geotextiles (4) and is, in fact, sandwiched between those layers of geotextile (4). This is very similar to the construction of Figure 1. Similarly in Figure 5, a chain which is comprised of steel at one end connected to a cast concrete block is formed with nylon links at its opposite end placed in communication with layers of geotextile material (4). In all events, the geotextile materials (4) are utilized to create a stabilized earthen structure. Anchoring members are then placed in direct communication with and between the geotextile materials.

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The construction of Cuisset is thus to be contrasted with the subject matter claimed in independent claims 1 and 7, as now presented. More specifically and briefly, the present invention comprises main stabilizing bands which are provided in a first zone spaced from a front facing. Secondary stabilizing members are positioned in a second zone attached to the front facing. The first and second zones overlap one another. Loads which are the result of frictional engagement between the stabilizing members and the fill material are transmitted between the main stabilizing bands and the secondary members by only the material of the fill. The claims do not call for transmission of loads by virtue of engagement between the bands and secondary members, as in Cuisset.

As a consequence, there is no overlap of stabilized earthen zones as claimed. There is no transmission of the loads between the bands and the secondary members by anything other than the material of the fill. This is contrasted with Cuisset, wherein the anchoring members are engaged by the geotextile materials that form the stabilized earthen structure. Also, it is to be noted that the anchoring members (3) of Cuisset do not create a zone of stabilized fill, as claimed. That is, the anchoring members of Cuisset are just that — anchoring members connecting concrete facing to a stabilized earthen structure, much like prior art previously referenced by the Examiner. As explained in the text of the Cuisset reference, the purpose of the facing therein is to preclude the degradation by ultraviolet light of the geotextile material, to protect it from fire and also to protect against infestation by rodents. The functionality and construction of Cuisset is thus different from that set forth in the presently submitted and amended claims.

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In view of the foregoing therefore, it is respectfully requested that the Examiner reconsider and withdraw the rejections and pass the case onward to allowance. Upon receipt of a Notice of Allowability, applicant will submit a more formal version of Figure 4 previously submitted for the Examiner's consideration.

Respectfully submitted,

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